

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3365 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VASANTI MANUBHAI SHAH

Versus

NATIONAL SAVINGS COMMISSIONER

Appearance:

None present for Petitioner
MR JD AJMERA for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/08/96

ORAL JUDGMENT

Perused the Special Civil Application and heard Shri Ajmera, learned counsel for the respondent No.2. The learned counsel for the respondent No.2 contends that the petitioner was appointed as "Authorised Agent" of Public Provident Fund Scheme. This agency was for a fixed term and it has to be renewed from time to time.

In the present case, the renewal of the agency of the petitioner has not been made for which she has no right to come before this Court. The petitioner has not been

vested with fundamental right for renewal of agency. It is in discretion of authority to renew or not the agency. Under the order dated 6.2.82, the agency of the petitioner was not extended beyond 14th January 1982. The petitioner has not produced any order before this Court under which her agency has been renewed after 14th January 1982. However, the fact remains that the petitioner has continued to work as an agent for a period from 15th January 1979 to 14th January 1982. There was no renewal of agency also after 15th January 1979. The application of the petitioner for renewal of her agency from 15th January 1979 has been rejected on the ground that the application is filed after abnormal delay.

2. I do not find any substance in this Special Civil Application and the action of the respondents not to renew her agency does not call for interference of this Court. However, the petitioner has continued to work as a agent though after 15th January 1979, her agency was not renewed. For this period, the petitioner has already been paid commission. The learned counsel for the respondent very fairly conceded that the respondent will not take any action for recovery of the amount of commission already paid to the petitioner for the period during which her agency was not renewed. In view of this statement and the facts above, nothing more is required to be ordered in this Special Civil Application, except to dismiss the same. Order accordingly.

3. This Special Civil Application is dismissed. Rule is discharged. Ad-interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)